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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,101	03/10/2004	Chin-Yi Tsai	FPI0077	2351
52981	7590	12/21/2005	EXAMINER	
LEONG C LEI PMB # 1008 1867 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94598			THANH, QUANG D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/796,101	TSAI, CHIN-YI
	<b>Examiner</b>	<b>Art Unit</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 1-7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Specification***

1. The abstract of the disclosure is objected to because:
  - a) it includes terminology which is so different from that which is generally accepted in the art, for example the term "camshaft" appears to be improper to describe structure 11, which appears to be more like a handle. The examiner suggests the term "handle" to replace "camshaft".
  - b) the phrase "the massaging face at the bottom section of the massaging head is provided with a heating section, rollers, radiation section and low frequency conducting head" appears to be incorrect. Fig. 2 shows the massaging face 13 having only a vibrating beating section 20, rollers 31, and low frequency conducting head 50. There is no heating (thermal radiation) section provided for the massaging face 13. The thermal radiation section 40 is located on the handle 11 (best seen in fig. 2). It should be replaced with -- the massaging face at the bottom section of the massaging head is provided with a vibrating beating section, rollers, and low frequency conducting head --

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:
  - a) it includes terminology which is so different from that which is generally accepted in the art, for example the term "camshaft" or "camshaft 11", which is used throughout the entire specification, appears to be improper to describe structure 11, which appears to be more like a handle. The examiner suggests the term "handle" to replace "camshaft".

b) p. 2, lines 6-7, the phrase "the massaging face at the bottom section of the massaging head is provided with a heating section, rollers, radiation section and low frequency conducting head" appears to be incorrect. Fig. 2 shows the massaging face 13 having only a vibrating beating section 20, rollers 31, and low frequency conducting head 50. There is no heating (thermal radiation) section provided for the massaging face 13. The thermal radiation section 40 is located on the handle 11 (best seen in fig. 2). It should be replaced with -- the massaging face at the bottom section of the massaging head is provided with a vibrating beating section, rollers, and low frequency conducting head --

c) p. 6, lines 17 and 19, "thermal radiation section 40" and "heat stimulation" should be deleted because there is no thermal radiation section provided for the massaging head 10 (see fig. 2).

d) p. 6, lines 19-20, "low current traction(?) stimulation" is unclear, and should be replaced with – low current electrical stimulation –

e) the specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "a hyper thermal material" in claim 6.

Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "external wire and

socket" and the "low frequency plaster (electrode?)" must be shown or the features canceled from the claim 7. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

4. Claims 1-7 are objected to because of the following informalities: the claims are replete with terms which lack antecedent basis and are not clear. Examples of some terms used in the claim are: "the massage face", "the bottom section", "the upward bent lower section". Claim 1 recites the phrase "the massaging face at the bottom section of

the massaging head is provided with a heating section, rollers, radiation section and low frequency conducting head" that appears to be incorrect. Fig. 2 shows the massaging face 13 having only a vibrating beating section 20, rollers 31, and low frequency conducting head 50. There is no heating (thermal radiation) section provided for the massaging face 13. The thermal radiation section 40 is located on the handle 11 (best seen in fig. 2). It should be replaced with -- the massaging face at the bottom section of the massaging head is provided with a vibrating beating section, rollers, and low frequency conducting head --. Claim 7 recites the term "plaster" (electrode ?), which is unclear and different from that which is generally accepted in the art. The rest of the claims are objected to because they depend on an objected claim. Appropriate correction is required.

***Allowable Subject Matter***

5. Claims 1-7 would be allowable if rewritten or amended to overcome the objections, set forth in this Office action.
6. The following claims 1-7 drafted by the examiner and considered to distinguish patentably over the art of record in this application, are presented to applicant for consideration:

--1. A multi-functional massager comprising:

massaging heads and a handle, the handle being arch-shaped having two ends each connected to one of the massaging heads;

wherein each massaging head has a massaging face located at a bottom section of the massaging head, the massaging face is provided with a vibration beating section, a first set of rollers, and low frequency current conducting heads, the massaging head further includes a motor located in the interior of the massage head, a reciprocation device driven by the motor and connected to an impaction base seat protruded from the massaging face so as to form the vibration beating section, whereby when the motor is in operation, the reciprocation device causes the impaction base seat to vibrate up and down;

a second set of rollers mounted on a bottom section of the handle and the surface of each roller is provided with protrusions or threads which can stimulate the skin of a user;

a thermal radiation section comprised of electro-thermal wire or tungsten wire, and mounted on an upward bent portion of the bottom section of the handle to produce heat to a massaging region; and

wherein the low frequency conducting heads of the massaging face each includes protrusion made from conductive rubber or other conductive material and connected to a low frequency circuit board located within the massage head to provide multi-stage low frequency current stimulation. –

-- 2. The massager as claimed in claim 1, wherein a middle section of the handle is a buffer seat made from a compressible material, the buffer seat has a spring pivotal axle connecting two portions of the handle. –

- 3. The massager as claimed in claim 2, wherein the buffer seat is provided with a panel for controlling **power ON/OFF** and massaging selection, and a display for displaying control **status** and selection **status**. --
- 4. The massager as claimed in claim 1, wherein **one** end of the massaging head has a grip rim suitable for the gripping of hand or fingers. --
- 5. The massager as claimed in claim 1, wherein a separate **support** base seat is provided to the massager, which is engageable and separable with the massaging head and the handle, the **support** base seat includes an insertion slot that is connected to an insertion plate extended from the handle and the massage head so that the support base seat allows the massager to be reversely positioned on a flat surface to provide support for massaging action. --
- 6. The massager as claimed in claim 1, wherein each roller is made from a material mixed with a hyper thermal material which emits far **infra-red** radiation.

-- 7. The massager as claimed in claim 1, wherein the low frequency **circuit board** is provided with external wire and socket for externally connecting to low frequency **electrode** connected to a user's body for low frequency massaging. –

***Conclusion***

7. This application is in condition for allowance except for the following formal matters: Claims objections as mentioned above in this office action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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